

Examiner-Initiated Interview Summary

Application No.

09/957,476

Applicant(s)

ORCUTT ET AL.

Examiner

David N. Spector

Art Unit

2873

All Participants:

(1) David N. Spector (patent examiner).

(2) William. B. Kempler (applicant's representative).

Status of Application: Non-Final Rejection, 05/04/2003

(3) _____

(4) _____

Date of Interview: 29 May 2003

Time: ~1530

Type of Interview:

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

1-3 and 8-13

Claims discussed:

1-20

Prior art documents discussed:

Application Serial No. 09/953,463

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Claims 1-3 and 8-13 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 15, 17, 18, and 5-10, respectively, of copending Application No. 09/953,463 (hereinafter '463) filed 09/12/2001. The '463 application was allowed on 05/07/2003. THE CONFLICTING APPLICATION, HOWEVER, WAS NOT AVAILABLE TO THE EXAMINER AT THE TIME EXAMINATION (e.g. the application is presently in the first phase of the publication cycle). For this reason the text of the claims as allowed from '463 application was provided by applicant's representative. In summary, the claims allowed in '463 are: Claims 2, 3, 5-7, 9-11 and 14 (as originally filed); Claims (new) 22, 23, 25, 27, and 28 (as filed under a preliminary amendment); and Claims (amended) 1, 8, 12, 15-18, 20, 21, and 24 (as amended on 02/24/2003). Claims 4, 13, 19, and 26 in '463 were canceled by applicant on 02/24/2003. The text of the allowed claims is attached hereto..